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December 1, 2022

**VIA ELECTRONIC FILING**

The Honorable Maryellen Noreika  
U.S. District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, DE 19801

Re: *ecobee, Inc. v. EcoFactor, Inc.*, C.A. No. 21-323-MN

Dear Judge Noreika:

Pursuant to the Court's November 8, 2022 Oral Order, the following counsel for Plaintiff ecobee, Inc. ("ecobee") and Defendant EcoFactor, Inc. ("EcoFactor") met and conferred on November 29, 2002 from 12:00 PM – 12:15 PM.

ecobee Attendees

David E. Moore, Potter Anderson & Corroon LLP  
Timothy Carroll and Steven M. Lubezny, Venable LLP

EcoFactor Attendees

Stephen B. Brauerman, Bayard, P.A.  
Kristopher Davis, James Pickens, and Reza Mirzaie, Russ August & Kabat

The parties were unable to reach further compromises on their proposed constructions.

Respectfully,

*/s/ David E. Moore*

David E. Moore

DEM:nmt/10456991/21090.00001

cc: Clerk of Court (via hand delivery)  
Counsel of Record (via electronic mail)